

**Law Office of Jeffrey A. Thigpen**  
1811 "C" Street  
Bellingham, WA 98225-4017  
Telephone (360) 676-9974  
Fax (360) 676-9978  
Email: [thigpenjeffrey@gmail.com](mailto:thigpenjeffrey@gmail.com)

JUDI L. NICON-ORCUTT,

NO. 2:15-cv-00343 MJP

MOTION FOR ORDER FOR RELIEF  
FROM DEADLINE FOR FILING  
BRIEF IN OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR  
January 1, 2016

Defendants.

COMES NOW Plaintiff Judi Nikon-Orcutt and hereby moves for an order providing relief from the deadline for filing her brief in opposition to the defendant's

1 Motion for Summary Judgment (Dkt. No. 22) by re-scheduling the current motion  
2 calendar date of January 8, 2016 to February 5, 2016.

3  
4 This motion is based on Fed.R. Civ. P. 56(d)(2) and LCR 7(j), the memorandum  
5 below and the attached declaration (Exhibit A) of the Plaintiff's attorney, Jeffrey A.  
6 Thigpen, and the attached declaration (Exhibit B) of the plaintiff, Judi Nikon-Orcutt.

7  
8 A proposed order is attached hereto.

9 DATED this 18<sup>th</sup> day of December 2015.

10  
11  
12 /s/ Jeffrey A. Thigpen  
13 Jeffrey A. Thigpen, WSBA #11714  
14 Attorney for Plaintiff

15  
16 MEMORANDUM IN SUPPORT OF MOTION

17 Defendant's Motion for Summary Judgment (Dkt. 22) was filed December 10,  
18 2015. By a Praecipe (Dkt. No. 25) filed the next day, the motion was noted for the  
19 January 8, 2016 calendar. Without a revised motion date, plaintiff's brief and materials  
20 in opposition to defendant's motion would normally be due a week prior to the motion  
21 day but because January 1, 2016 is a holiday, plaintiff's responsive brief would be due  
22 in this case on January 4, 2016

23  
24 As demonstrated by the attached declarations of plaintiff's attorney and the  
25 plaintiff (Exhibits A and B), the court is respectfully urged to engage in a balancing of  
26 the prejudice that would be visited upon the defendant if this motion is granted versus  
27 the hardship and prejudice that would fall upon the plaintiff if it is denied.  
28  
29  
30

1 Accordingly, plaintiff asks for an order re-scheduling the motion date on the  
2 defendant's Motion for Summary Judgment to February 5, 2016.  
3

4 DATED this 18<sup>th</sup> day of December, 2015.  
5

6 /s/ Jeffrey A. Thigpen  
7 Jeffrey A. Thigpen, WSBA #11174  
8 Attorney for Plaintiff  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under the laws of the United States and the State of Washington that on the 18<sup>th</sup> day of December, 2015 he served this document entitled "Motion for Order for Relief from Deadline for Filing Brief in Opposition to Defendant's Motion for Summary Judgment", including the attachments in support of the motion to defendant's attorneys identified below and in the following manner.

Thomas Lether  
Lether & Associates  
1848 Westlake Avenue N., Suite 100  
Seattle, WA 98109

Eric Neal  
Lether & Associates  
1848 Westlake Avenue N., Suite 100  
Seattle, WA 98109

By: ☒ CM/ECF ☐ Facsimile Transmission: (206) 467-5544  
☐ First Class Mail ☐ Hand Delivery to Lether & Associates Office  
at 1848 Westlake Avenue N., Suite 100  
in Seattle, Washington

Signed this 18<sup>th</sup> day of December, 2015 at Bellingham, Washington.

/s/ Jeffrey A. Thigpen  
Jeffrey A. Thigpen

JUDI L. NICON-ORCUTT,  
Plaintiff,  
  
vs.  
  
FOREMOST INSURANCE COMPANY  
GRAND RAPIDS, MICHIGAN  
  
Defendants.

NO. 2:15-cv-00343 MJP  
  
**(PROPOSED)**  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR RELIEF FROM  
DEADLINE FOR FILING BRIEF  
IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF  
FROM DEADLINE FOR FILING BRIEF IN OPPOSITION TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - 1

**Law Office of Jeffrey A. Thigpen**  
1811 "C" Street  
Bellingham, WA 98225-4017  
Telephone (360) 676-9974  
Fax (360) 676-9978  
Email: [thigpenjeffrey@gmail.com](mailto:thigpenjeffrey@gmail.com)

1 for summary judgment and the court having reviewed the materials submitted in  
2 support of the plaintiff's motion, and being otherwise fully advised in the premises,

3 NOW, THEREFORE

4  
5 IT IS HEREBY ORDERED that plaintiff's motion is granted;

6 IT IS FURTHER ORDERED that the motion date for defendant's motion for  
7 summary judgment is re-scheduled to February 5, 2016.  
8

9 DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

10  
11  
12 \_\_\_\_\_  
13 Judge Marsha J. Pecham  
14 United State District Judge

15 Presented by:

Copy Received;

16  
17 Lether & Associates

18  
19  
20  
21 /s/ Jeffrey A. Thigpen

By: \_\_\_\_\_

22 Jeffrey A. Thigpen, #11714  
23 Attorney for Plaintiff

Thomas Lether, WSBA #18089  
Of attorneys for Defendant